

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2218.05  
COMPLAINT INVESTIGATOR: Joe Bear  
DATE OF COMPLAINT: February 15, 2005  
DATE OF REPORT: March 17, 2005  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: May 9, 2005

**COMPLAINT ISSUES:**

Whether Jay School Corporation violated:

511 IAC 7-27-2(a) and (c) by failing to schedule a case conference committee (CCC) meeting at a mutually agreed upon date, time, and place, and by failing to give adequate notice of the meeting; and

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide large-print books.

**FINDINGS OF FACT:**

1. The Student has been identified as having a visual impairment and has been determined eligible for special education and related services.
2. On February 4, 2005, the Complainant called the School to inform the Principal that her advocate could not attend a CCC meeting on February 11, a date that had been previously offered by the School. The Complainant wanted to reschedule for February 16. The School called back on the same day and left a message, saying that the orientation and mobility (O & M) specialist, whose input the CCC was seeking, would be able to attend on the suggested date. The School asked the Complainant to inform the Principal of a time to meet. The School left a second message on February 8, asking again for a time to meet on February 16.
3. On February 14, 2005, the Principal sent a letter to the Complainant saying that since no response was received concerning the proposed CCC meeting date, he assumed that the Complainant could not attend on that date. The Principal asked for three dates that would work for the Complainant, and said that he would then confirm a date with the O & M specialist.
4. The Director of Special Education stated that when a CCC meeting date and time are confirmed, a notice and confirmation are mailed to the CCC participants.
5. The IEP dated September 1, 2004, calls for large-print books, which are to be ordered from the textbook supplier. Among other things, the IEP also calls for the use of Kurzweil software and closed-circuit television.
6. The book *Anne Frank Remembered* was scheduled to be used in the Student's English class in January 2005. It was included in the School's order of large-print books (November 11, 2004) with two

other books for the English class. The textbook supplier did not have a large-print copy of the book, but filled the other orders.

7. The textbook request form dated November 11, 2004, was sent back to the School with a code that indicated that a copy could be made in large type if the School sent in two new, clean copies for production. The School did not do this because they estimated that it could have taken three to four months to receive a completed large-print version back from the textbook supplier. By that time, the Student might not have needed the book anymore.
8. The textbook supplier confirmed that, due to the large volume of business at the time of year the order was received, it is possible that there could have been a wait for up to three months for a large-print version of the book to be produced.
9. The Teacher of the Visually Impaired tried to find a large-print version of *Anne Frank Remembered* herself, including searching online. The teacher made the book available to the Student by scanning it onto the Student's laptop computer so that it could be used with Kurzweil software. This software allows the text to be read on the computer screen, with magnification and other low-vision reading tools available, or to have the text converted to speech. Closed-circuit television, which also allows for magnification, was another option available to the Student.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the School made several attempts to schedule a CCC meeting at a mutually agreeable date, time, and place. Findings of Fact #3 and #4 indicate that the February 16 meeting was canceled only after a confirmation was not received from the Complainant, and that the School was waiting for a confirmation before sending out a CCC meeting notification. Therefore, a violation of 511 IAC 7-27-2(a) and (c) is not found.
2. Finding of Fact #5 indicates a need for the School to provide large-print textbooks to the Student. Finding of Fact #6 indicates that the book *Anne Frank Remembered* was not available through the textbook supplier. Although the School did not send in two books to the textbook supplier so that a large-print version could be made (Finding of Fact #7), the School used existing software to make the book available to the Student (Findings of Fact #5 and #9). An extended wait of up to three months might have occurred otherwise (Findings of Fact #7 and #8). Therefore, a violation of 511 IAC 7-27-7(a) is not found.

**The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.**